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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON November 13, 1997

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
BOARD OF PSYCHOLOGICAL
EXAMINERS
DIVISION OF CONSUMER AFFAIRS
DOCKET NO:

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

HARVEY M. MUSIKOFF, Ph.D.

LICENSED TO PRACTICE PSYCHOLOGY IN
THE STATE OF NEW JERSEY

Administrative Action

ANSWER

Respondent Harvey M. Musikoff, Ph.D., through his attorneys Kern Augustine Conroy & Schoppmann, P.C., answers the complaint of the Attorney General, as follows:

GENERAL ALLEGATIONS

1-2. Denies in the form stated the allegations set forth in those paragraphs of this section of the complaint numbered 1 and 2, and respectfully refers the Office of Administrative Law and the Board to the cited authorities for their content and meaning.

3. Admits that he is and has been a duly licensed psychologist in the State of New Jersey and that he maintains professional offices as indicated.

4. Denies the allegations of paragraph 4.

COUNT I

1. In response that paragraph of this count of the complaint numbered 1, repeats the answers set forth above to the allegations of the previous count as if more fully set forth herein.

2 - 9. Denies the allegations set forth in those paragraphs of this count of the complaint numbered 2 through 9.

COUNT II

1. In response that paragraph of this count of the complaint numbered 1, repeats the answers set forth above to the allegations of the previous counts as if more fully set forth herein.

2-5. Denies the allegations set forth in those paragraphs of this count of the complaint numbered 2 through 5.

COUNT III

1. In response that paragraph of this count of the complaint numbered 1, repeats the answers set forth above to the allegations of the previous counts as if more fully set forth herein.

2-5. Denies the allegations set forth in those paragraphs of this count of the complaint numbered 2 through 5.

COUNT IV

1. In response that paragraph of this count of the complaint numbered 1, repeats the answers set forth above to the allegations of the previous counts as if more fully set forth herein.

2-5. Denies the allegations set forth in those paragraphs of this count of the complaint numbered 2 through 5.

COUNT V

1. In response that paragraph of this count of the complaint numbered 1, repeats the answers set forth above to the allegations of the previous counts as if more fully set forth herein.

2-4. Denies the allegations set forth in those paragraphs of this count of the complaint numbered 2 through 4.

COUNT VI

1. In response that paragraph of this count of the complaint numbered 1, repeats the answers set forth above to the allegations of the previous counts as if more fully set forth herein.

2. States that the paragraph of this count of the complaint numbered two calls for a legal conclusion and interpretation.

3. Denies the allegations set forth in those paragraphs of this count of the complaint numbered 3 through 4.

DEFENSES

1. The complaint is barred by the Doctrine of Laches.

2. The deviations and defalcations alleged in the complaint are, when viewed in a light most favorable to the Board, insufficient as a matter of law to support any disciplinary action by the Board.

3. The Complaint fails to state a legally cognizable grounds for disciplinary action against the Respondent.

4. Any acts complained of, if true, were the result of the actions of others beyond Respondent's control and without his knowledge.

5. Any actions taken by the Complainant or the Board of Psychological Examiners constitute double jeopardy and an effort to twice punish the respondent for any impropriety alleged.

WHEREFORE, Respondent demands an order dismissing the complaint in its entirety.

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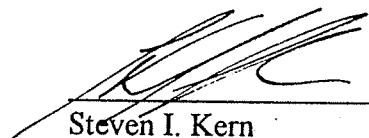
By: 

Steven I. Kern

November 11, 1997

CERTIFICATION

I hereby certify that the original of this answer was mailed this date to the Board office and a true copy was served this date upon the assigned deputy attorney general by regular mail.


Steven I. Kern

Dated: November 11, 1997